

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

KEVIN JOHNSON,  
Plaintiff-Appellant,

v.

MILTON BOONE, Correctional Officer;  
RUDOLPH BAILEY, Correctional  
Officer; TERRENCE JONES,  
Correctional Officer; MICHAEL  
LYNCH, Correctional Officer;  
CHARLEEN ROBINSON, Correctional  
Officer; WILLIAM HEALEY,  
Correctional Officer,  
Defendants-Appellees,

No. 97-7053

and

C. LONG, Correctional Officer; R. C.  
JOHNSON, Correctional Officer;  
HARVEY, Correctional Officer,  
Defendants.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Alexandria.  
W. Curtis Sewell, Magistrate Judge.  
(CA-95-101-AM)

Submitted: June 9, 1998

Decided: July 1, 1998

Before HAMILTON and WILLIAMS, Circuit Judges, and  
BUTZNER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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## **COUNSEL**

Kevin Johnson, Appellant Pro Se. Collin Jefferson Hite, SANDS, ANDERSON, MARKS & MILLER, Richmond, Virginia; Susan Campbell Alexander, Assistant Attorney General, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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## **OPINION**

### **PER CURIAM:**

Appellant Kevin Johnson appeals from the jury verdict in favor of Defendants in his action brought under 42 U.S.C. § 1983 (1994). Johnson claimed that Defendants used excessive force against him in an incident which took place at the correctional center where Johnson is incarcerated. The case was referred to a magistrate judge for trial, see 28 U.S.C. § 636(c) (1994), and Johnson proceeded pro se. Following the jury verdict in favor of Defendants, Johnson moved for a retrial on several grounds, which the magistrate judge denied. Johnson timely appealed. On appeal, Johnson raises the same claims that were raised in his motion for a retrial, as well as a claim that the magistrate judge improperly denied his motion for a retrial. Our review of the record, the transcripts, and Johnson's brief reveals that the district court did not abuse its discretion by denying Johnson's motion for a retrial. See Benedi v. McNeil-P.P.C., Inc., 66 F.3d 1378, 1383 (4th Cir. 1995).

Because Johnson's claims on appeal do not provide a basis for overturning the jury verdict in favor of Defendants, we affirm. We deny Johnson's motions to suspend Local Rule 24 and to grant him

relief from his in forma pauperis status. We dispense with oral argument because the facts and legal contentions are adequately set out in the materials before the court and oral argument would not aid the decisional process.

AFFIRMED